

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: 6/16/04

Division: County Attorney

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**AGENDA ITEM WORDING:**

Approval of settlement agreement in the case of Mary Quinn v. James Roberts, 96-10134-CIV-Paine.

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**ITEM BACKGROUND:**

Mary Quinn brought suit against the County and the County Administrator alleging that she was wrongfully terminated from her position with the Library.

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**PREVIOUS RELEVANT BOCC ACTION:**

On April 30, 2004, the Board authorized a closed session for May 19, 2004. At the May 19, 2004 meeting the Board authorized trial counsel Michael Burke to settle for as much as \$55,000.00.

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:** Approval.

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**TOTAL COST:** \$55,000.00

**BUDGETED:** Yes ☐ No ☐

**COST TO COUNTY:** \$55,000.00

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes ☐ No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Attorney [Signature] OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_  
06/16/04

**DIVISION DIRECTOR APPROVAL:** \_\_\_\_\_

John R. Collins, County Attorney

**DOCUMENTATION:** Included xxx To Follow \_\_\_\_\_ Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** T8

## JOHNSON, ANSELMO, MURDOCH, BURKE, PIPER &amp; McDUFF, P.A.

A PROFESSIONAL ASSOCIATION

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 † BOARD CERTIFIED APPELLATE LAWYERS

June 1, 2004

Via Federal Express

Mr. James L. Roberts  
 Monroe County Administrator  
 5100 Junior College Road  
 Key West, FL 33040

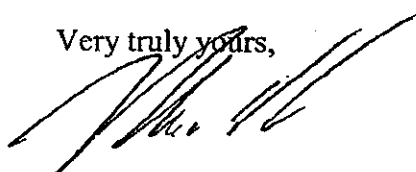
Re: Mary Quinn vs. Monroe County and James L. Roberts  
 D/Loss 6/02/95  
 Our File 96-525 MTB

Dear Mr. Roberts:

In accordance with direction provided by the Board of County Commissioners at its May 19, 2004 Executive Session, I have negotiated a tentative agreement to settle the above referenced matter. Specifically, Plaintiff Mary Quinn and her attorneys have agreed to accept the total sum of \$55,000.00 in full and complete settlement of all claims for damages, back wages, costs and attorney's fees in the above referenced matter. Enclosed please find copies of the general release which I have forwarded to Mary Quinn for signature together with the Stipulation for Final Order of Dismissal which I have forwarded to her Attorney Ware Cornell. Both of these documents are in the process of being executed and returned to me.

I would appreciate your assistance in placing this proposed settlement on the Board of County Commissioners June 16, 2004 meeting agenda. If approved by the Board of County Commissioners, I will need to obtain a settlement check in the amount of \$55,000.00 payable to Cornell and Associates, P.A. trust account. In accordance with the party's notification of pending settlement, the court has removed the case from the June 1, 2004 trial docket.

Very truly yours,



Michael T. Burke  
 For the Firm

MTB/lt

cc Bill Grumhaus, Risk Manager (Via Federal Express)  
 Richard Collins, County Attorney (Via Federal Express)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 96-10134-CIV-PAINE/Vitunac

MARY QUINN,

Plaintiff,

vs.

MONROE COUNTY and JAMES L.  
ROBERTS, County Administrator, Monroe  
County individually and in his official capacity,

Defendants.

STIPULATION FOR FINAL ORDER OF DISMISSAL

The Plaintiff, MARY QUINN, and Defendant, JAMES L. ROBERTS, by and through their undersigned attorneys stipulate and agree to the entry of a Final Order of Dismissal, with each party to bear their own costs and attorneys' fees and with prejudice to the Plaintiff.

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1792 Bell Tower Lane, Ste. 210  
Weston, FL 33326  
*Attorney for Plaintiff*  
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*Attorneys for Defendant, James L. Roberts*  
(954) 463-0100 Telephone  
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By: \_\_\_\_\_  
G. WARE CORNELL, JR.  
Florida Bar No. \_\_\_\_\_

By: \_\_\_\_\_  
MICHAEL T. BURKE  
Florida Bar No. 338771

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 96-10134-CIV-PAINE/Vitunac

MARY QUINN,

Plaintiff,

vs.

MONROE COUNTY and JAMES L.  
ROBERTS, County Administrator, Monroe  
County individually and in his official capacity,

Defendants.

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**FINAL ORDER OF DISMISSAL WITH PREJUDICE**

THIS CAUSE came on to be considered upon the Parties' Stipulation for a Final Order of Dismissal, and the Court being fully advised in the premises, it is hereupon

ORDERED AND ADJUDGED that the above-styled action be and the same is hereby dismissed, each party to bear their own costs and attorneys' fees and with prejudice to the Plaintiff.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,  
this \_\_\_\_ day of \_\_\_\_\_, 2004.

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JAMES C. PAINE  
UNITED STATES DISTRICT JUDGE

*Copies furnished:*

MICHAEL T. BURKE, ESQUIRE  
G. WARE CORNELL, ESQUIRE

## GENERAL RELEASE

KNOW ALL MEN BY THESE PRESENTS:

That **I, MARY QUINN**, hereinafter referred to as "first party", for and in consideration of the sum of **FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00)** or other valuable considerations, received from or on behalf of **JAMES L. ROBERTS and MONROE COUNTY, together with its officials, employees and agents, both past and present**, hereinafter referred to as "second party", the receipt is hereby acknowledged.

(Whenever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives and assigns of individuals and the officials, agents and employees, successors and assigns of corporations, partnerships or trusts, both past and present wherever the context so admits or requires.)

HEREBY remise, release, acquit, satisfy, and forever discharge the said second party, of and from all and all manner of action and actions, cause or causes of action, suits, debts, dues, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which said first party ever had, now has, or which any personal representative, successor, heir or assign of said first party, hereafter can, shall or may have, against said second party, for, upon or by reason of any matter, cause or thing whatsoever, from the beginning of the world to the day of these presents; including but not limited to, **any and all claims for damages, costs, attorneys' fees and equitable relief arising from the termination of Mary Quinn's employment with Monroe County, together with any and all claims which were or could have been brought in the lawsuit styled "Mary Quinn, Plaintiff, vs. James L. Roberts, Defendant," In the United States District Court, Southern District of Florida, Case No. 96-10134-CIV-PAINE/Vitunac.**

